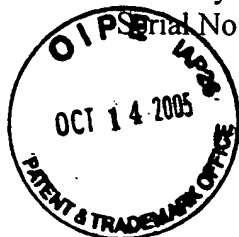


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Attorney Docket No.: EMELT-001US

Serial No.: 10/505,466



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Stephen Foster

) Confirmation No.: 8885

Serial No.: 10/505,466

) Art Unit: 3743

Filing Date: March 14, 2005

) Examiner: Teena Kay Mitchell

For: BREATHING DEVICE

)

)

**INFORMATION DISCLOSURE STATEMENT
PURSUANT TO 37 C.F.R. SECTION 1.97**

Mail Stop AMENDMENT
Commissioner for Patents
Post Office Box 1450
Alexandria, Virginia 22313-1450

Dear Sir/Madam:

Pursuant to 37 C.F.R. § 1.97, the following Supplemental Information Disclosure Statement is submitted as listed on form PTO/SB/08A submitted on November 8, 2004 (a duplicate copy enclosed).

No representation is made that the references disclosed herein legally constitute prior art, or that more relevant references are not available. The disclosure documents enclosed herewith and listed on the attached form submitted on November 8, 2004, form (PTO/SB/08A) are submitted herein in the English language and/or accompanied by an Abstract published in the English language.

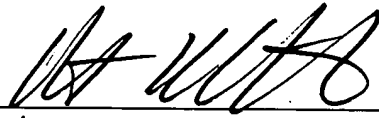
The references listed herein, when taken alone or in combination are not believed to disclose nor make obvious the invention as claimed in the subject application.

As this Information Disclosure Statement is being submitted after the receipt of the initial Office Action, a filing fee check of \$180.00 is enclosed herein. If any additional fee is required, please charge Account Number 19-4330.

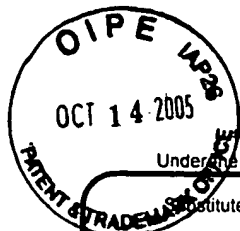
Respectfully submitted,

Dated: 10/12/2005

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By: 

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PTO/SB/08a (08-03)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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Institute for form 1449A/PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Sheet 1 of 1

Complete if Known

Application Number	10/505,466
Filing Date	August 20, 2004
First Named Inventor	Stephen Foster et al.
Art Unit	unknown
Examiner Name	unknown
Attorney Docket Number	DEHNF-001US

U. S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
		US- 2985357	05-23-1961	R.J. Carolan	
		US- 3630196	12-28-1971	Bird	
		US- 4098290	07-04-1978	Glenn	
		US- 4261355	04-14-1981	Glazener	
		US- 4282869	08-11-1981	Zidulka	
		US- 4495946	01-29-1985	Lemer	
		US- 4519388	05-28-1985	Schwanbom et al.	
		US- 4681100	07-21-1987	Brychta et al.	
		US- 4796617	01-10-1989	Matthews et al.	
		US- 5000173	05-19-1991	Zalkin et al.	
		US- 5193532	03-16-1993	Moa et al.	
		US-			
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		US-			

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Country Code ³ -Number ⁴ -Kind Code ⁵ (if known)				
		Germany - 3119814	07-26-1984			
		GB - 2098491	11-24-1982			
		FR - 2506164	11-26-1982			
		JP - 57195466	12-01-1982			

Examiner
SignatureDate
Considered

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.